

SECOND REGULAR SESSION

# SENATE BILL NO. 1017

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 7, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5039S.01I

## AN ACT

To repeal sections 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof three new sections relating to the state milk board.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 196.931, 196.949, and 196.951, RSMo, are repealed

2 and three new sections enacted in lieu thereof, to be known as sections 196.931,  
3 196.949, and 196.951, to read as follows:

196.931. As used in sections 196.931 to 196.953 unless the context clearly

2 indicates otherwise, the following words and terms shall have the meaning  
3 indicated:

4 (1) "Grade A pasteurized milk", grade A raw milk for pasteurization which  
5 has been pasteurized, cooled, and placed in the final container in a milk plant and  
6 conforming with the sanitation and bacteriological standards authorized by  
7 sections 196.931 to 196.953 and regulations promulgated thereunder;

8 (2) "Grade A raw milk for pasteurization", raw milk for pasteurization  
9 from producer dairies and conforming with all of the sanitation and  
10 bacteriological standards authorized by sections 196.931 to 196.953 and  
11 regulations which are promulgated thereunder;

12 (3) "Graded fluid milk and fluid milk products", milk products include  
13 cream, light cream, coffee cream, table cream, whipping cream, light whipping  
14 cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream,  
15 whipped coffee cream, whipped table cream, sour cream, cultured sour cream,  
16 half-and-half, sour half-and-half, cultured half-and-half, reconstituted or  
17 recombined milk and milk products, concentrated milk, concentrated milk  
18 products, skim milk, skimmed milk, lowfat milk, fortified milk and milk products,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 vitamin D milk and milk products, homogenized milk, flavored milk or milk  
20 products, eggnog, eggnog flavored milk, eggnog flavored lowfat milk, buttermilk,  
21 cultured buttermilk, cultured milk, cultured whole milk buttermilk, and acidified  
22 milk and milk products, and other fluid milk and fluid milk products so declared  
23 by the board which are sold, offered for sale, exposed for sale, delivered or  
24 advertised as graded milk and milk products;

25 (4) "Manufacturing raw milk", milk that does not meet the requirements  
26 of grade A raw milk for pasteurization as defined in sections 196.931 to 196.959;

27 (5) "Milk plant", any place, premises or establishment where graded fluid  
28 milk or fluid milk products are collected, handled, processed, stored, bottled,  
29 pasteurized and prepared for distribution, except an establishment where graded  
30 fluid milk products are sold at retail as purchased from a milk plant;

31 (6) "Milk plant operator", any person, firm, corporation or association  
32 operating any milk plant;

33 (7) "Milk producer", any person who operates a dairy farm and provides,  
34 sells, or offers milk for sale to a milk plant, receiving station, or transfer station;

35 (8) "Official rating agency", the state [department of health and senior  
36 services] **milk board**;

37 (9) "Official rating survey", the survey conducted by the official state  
38 rating agency, as required by sections 196.931 to 196.953;

39 (10) "Person" shall mean an individual or individuals, or a firm,  
40 partnership, company, corporation, trustee, or association;

41 (11) "Political subdivision", any municipality, city, incorporated town,  
42 village, county, township, district or authority, or any portion or combination of  
43 two or more thereof;

44 (12) "State department of agriculture", the department of agriculture of  
45 Missouri;

46 (13) "State department of health and senior services", the department of  
47 health and senior services of Missouri;

48 (14) "State milk board", an appointed state agency functioning as  
49 administrator of "state milk inspection"; and

50 (15) "State milk inspection", the services of inspection, regulation, grading,  
51 and program evaluation of fluid milk and fluid milk products by agents,  
52 representatives or employees of the state milk board under the terms and  
53 provisions of sections 196.931 to 196.959 and regulations adopted to regulate the  
54 production, transportation, processing, manufacture, distribution and sale of  
55 graded fluid milk and fluid milk products.

196.949. Graded fluid milk or fluid milk products not inspected under  
2 state milk inspection may be sold, offered for sale, exposed for sale, and delivered  
3 in the state of Missouri, or any municipality thereof, if approved [jointly] by the  
4 [director of the department of agriculture and the director of the department of  
5 health and senior services] **state milk board** as provided for by regulations  
6 adopted [jointly] by the [two agencies and the] state milk board; provided that,  
7 the graded fluid milk or fluid milk products from other states shall be produced  
8 and processed under the supervision of a duly authorized governmental agency  
9 operating under the provisions of an ordinance, statute, or regulation  
10 substantially equivalent to the regulations promulgated and adopted by the state  
11 milk board and enforced with equal effectiveness as determined by an official  
12 rating survey, and products meet applicable temperature, bacteriological and  
13 composition standards when sampled on arrival at point of retail sale. Nothing  
14 in this section shall prohibit the state or local health officer from satisfying  
15 himself **or herself** that the governmental agency having jurisdiction over the  
16 production and processing is properly enforcing such provisions.

196.951. The [department of health and senior services] **state milk**  
2 **board** is hereby designated as the official rating agency. At least [annually]  
3 **biannually**, or as often as necessary, the [department of health and senior  
4 services] **state milk board** shall make an official rating survey to determine if  
5 there is appropriate and effective enforcement of the standards and provisions of  
6 sections 196.931 through 196.953 and such other surveys as may be necessary to  
7 assure enforcement of sections 196.931 through 196.953 throughout the  
8 state. Unsatisfactory conditions shall be deemed to exist when a rating below the  
9 minimum acceptable rating established by the [director of the department of  
10 agriculture and the director of the department of health and senior services]  
11 **state milk board** is found by the official rating survey. Violation of sections  
12 196.931 through 196.953 shall be deemed to exist when the unsatisfactory  
13 conditions causing the rating to fall below the minimum acceptable rating are not  
14 corrected within ninety days. The minimum acceptable rating shall be ninety  
15 percent for the pasteurized milk supply as determined by rating methods  
16 recognized by the United States Public Health Service Food and Drug  
17 Administration. The [director of the department of agriculture and the director  
18 of the department of health and senior services] **state milk board** shall [jointly]  
19 promulgate and adopt a single method of making official rating surveys of all  
20 milksheds. Official surveys shall be made by a method substantially equivalent  
21 to procedures outlined in United States Governmental Printing Office Publication

22 Number 678, titled "Methods of Making Sanitation Ratings of Milksheds".

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Bill

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